

**Notice of Allowability**

Application No.

10/044,923

Examiner

Traci L. Casler

Applicant(s)

SCHIRMER ET AL.

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/04/2007.
2. ☒ The allowed claim(s) is/are 1-49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

### **DETAILED ACTION**

This action is in response to papers filed on January 4, 2007.

Claim 50 has been cancelled.

Claims 1-49 are pending.

Claims 1-49 are allowed.

### ***Terminal Disclaimer***

1. The terminal disclaimer filed on 01/04/2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Application number 10/044,914 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Allowable Subject Matter***

1. Claims 1, 23 and 33 are directed towards a method, system and apparatus for publishing a users "affinity" information according to a "publication Policy". An affinity value is established for a user for based on the strength of a relationship the user has with a category. Once the affinity value has crossed a limit – "threshold"- a message is sent to the user indicating the affinity and a request to publish the users affinity for the category. The user has predetermined amount of time to respond to the message before any further steps are taken in publishing the affinity. It will be determined if

1. It is established if permission is required before publishing a users affinity.

IF permission is required a message is sent to the user

2. the user has responded to the message and if no response it received a "default publication" action will proceed.

3. The predetermined time established as part of the publication policy and is set by the user.
2. The remaining claims 2-22, 24-32 and 34-49 are considered allowable, as they are dependent and based off of an allowable independent claim.
3. The prior art does not teach or suggest three important limitations. First, the prior art of record fails to teach a "pre-determined" period of time for the user to respond to a publication notice. Second, the prior art of record fails to teach the user be able to "set" the pre-determined time period for the users publication policy. Lastly, the prior art of record does not teach "default" publication policy when a response is not received from the user.
4. **US Patent Publication 2004/0068477 A1; Gilmour et al. Method and System to Publish the Results of a Search of Descriptive Profiles Based on Respective Publication Policies Specified by Owners of the Descriptive Profiles and a Profile Service Provider.** Gilmour teaches a method and system for creating/establishing user profiles based off of user historical data. Gilmour additionally sends requests to the user for permission to publish a new profile. However, Gilmour fails to teach the "threshold" value of the profile affinity, Gilmour does not teach the affinity of a category going beyond a certain value before a message is generated. Gilmour further fails to the "default" publication of the affinity/profile when a user does not respond to a message after a "pre-determined" period of time.
5. **US Patent Publication 2002/0087600 A1 Newbold ; Method and System for Profiling Users Based on Their Relationships With Content Topics.** Newbold

Art Unit: 3629

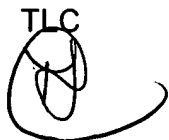
teaches establishing a profile identifying a user "affinity" for a content topic and publishing the affinity as part of the user profile. However, Newbold fails to teach publication policy being established by the user and requesting permission from the user to publish the affinity.

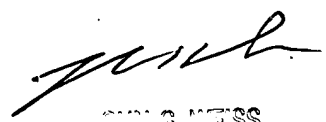
### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Casler whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TLC  


  
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